



# California Regulatory Notice Register

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DECEMBER 31, 2004

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*Time-  
Dated  
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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

#### AMENDMENT

##### MULTI-COUNTY:

##### **Alameda-Contra Costa Transit District Sacramento Regional Transit District**

A written comment period has been established commencing on **December 31, 2004** and closing on **February 14, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review

of the proposed conflict of interest code(s). Any written comments must be received no later than **February 14, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revisions and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 8. DIVISION OF LABOR STANDARDS ENFORCEMENT**

### **NOTICE OF PROPOSED RULEMAKING**

#### **CALIFORNIA CODE OF REGULATIONS**

The Division of Labor Standards Enforcement (DLSE) proposes to adopt the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### **PUBLIC HEARINGS**

DLSE has scheduled three public hearings on this proposed action:

##### San Francisco

Date: Tuesday, February 8, 2005

Time: 9:00 a.m.

Place: Hiram Johnson State Building, Auditorium  
455 Golden Gate Avenue  
San Francisco, CA 94102

##### Los Angeles

Date: Friday, February 4, 2005

Time: 9:00 a.m.

Place: Ronald Reagan State Building, Auditorium  
300 South Spring Street  
Los Angeles, CA 90013

##### Fresno

Date: Monday, February 14, 2005

Time: 9:00 a.m.

Place: Fresno State Building, Room 1036  
2550 Mariposa Mall  
Fresno, CA 93721

Please note that public comment will begin promptly at 9:00 a.m. and will conclude when the last speaker has finished his or her presentation.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. DLSE requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or authorized representative, may submit written comments to DLSE relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on February 14, 2005. All

comments must be submitted in writing (by mail, fax or e-mail) and received by that time at DLSE's headquarters office. Submit comments to:

Allen Perlof, Senior Deputy Labor Commissioner  
Division of Labor Standards Enforcement  
9th Floor West  
P.O. Box 420603  
San Francisco, CA 94142  
E-mail: [dlsecomments@dir.ca.gov](mailto:dlsecomments@dir.ca.gov)  
FAX (415) 703-4807

#### **PROPOSED REGULATORY ACTION**

DLSE proposes to adopt section 13700, Meal and Rest Periods, in Title 8 of the California Code of Regulations.

DLSE proposes to adopt section 13700 to clarify that the one hour of pay an employer must pay an employee for each workday in which a meal or rest period is not provided in accordance with the applicable Industrial Welfare Commission Order is considered a penalty as well as to clarify the time parameters and criteria under which meal periods can be provided to employees.

#### **AUTHORITY AND REFERENCE**

Labor Code sections 53, 54, 55, 59, 95, 98(a), 98.8, 1193.5, and 1198.4 authorize DLSE to promulgate the proposed regulation, which will implement, interpret and make specific Labor Code sections 226.7 and 512, as follows:

Labor Code section 53 provides that the Director of the Department of Industrial Relations is the "head of the department" for purposes of section 1001 and Part 1 (commencing with Section 11000) of Division 3 of Title 2 of the Government Code, including the provisions on administrative rulemaking, except for those matters which are specifically committed to one of the divisions of the department.

Labor Code section 54 authorizes the Director of the Department of Industrial Relations to perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise expressly provided.

Labor Code section 55 authorizes the Director of the Department of Industrial Relations, notwithstanding any provision in the Labor Code to the contrary, to require any division in the department to assist in the enforcement of any or all laws within the jurisdiction of the department. This section also authorizes the Director to make rules and regulations that are reasonably necessary to carry out the provisions of the Labor Code relating to the Department of Industrial Relations and to effectuate its purposes.

Labor Code section 59 mandates the Department of Industrial Relations, through its appropriate officers,

to administer and enforce all laws imposing any duty, power, or function upon the offices or officers of the department.

Labor Code section 95(a) authorizes DLSE to enforce the provisions of the Labor Code and all labor laws of the state the enforcement of which is not specifically vested in any other officer, board or commission.

Labor Code section 98(a) authorizes the Labor Commissioner to investigate employee complaints.

Labor Code section 98.8 authorizes the Labor Commissioner to promulgate all regulations and rules of practice and procedure necessary to carry out the provisions of Chapter 4 of Division 1 of the Labor Code.

Labor Code section 1193.5 specifies that the provisions of Chapter 4 of Division 1 of the Labor Code shall be administered and enforced by DLSE.

Labor Code section 1198.4 provides that, upon request, the Chief of DLSE shall make available to the public any enforcement policy statements or interpretations of orders of the Industrial Welfare Commission.

The above cited Labor Code sections provide DLSE with the authority to interpret Labor Code sections 226.7 and 512 for purposes of enforcing these statutes. Furthermore, in the 1996 California Supreme Court case of *Tidewater Marine Western, Inc. v. Victoria L. Bradshaw* (14 Cal. 4th 557, 569–70), the Supreme Court provided:

“The DLSE’s primary function is enforcement, not rulemaking . . . Nevertheless, recognizing that enforcement requires some interpretation and that these interpretations should be uniform and available to the public, the Legislature empowered the DLSE to promulgate necessary ‘regulations and rules of practice and procedure.’ ”

The finding in the *Tidewater* case confirms that DLSE has the authority to interpret Labor Code sections 226.7 and 512 for purposes of interpreting these statutes for enforcement purposes.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing statute specifies that employers cannot allow employees to work more than five hours without providing a 30-minute meal period. Existing law is unclear as to the specific time parameters under which meal periods can be provided to employees. Furthermore, the law does not provide criteria to determine if an employer has met the statutory requirement of providing a meal period. Additionally, existing law does not define the term “work period.”

Existing statute provides that an employer who fails to provide an employee a meal period or rest period is required to pay the employee one additional hour of pay at the employee’s regular rate of pay for each work day that the meal or rest period is not provided. Existing law has been the subject of conflicting interpretations as to whether the one hour of pay is to be considered a wage or penalty.

The proposed regulation would: (1) establish criteria to determine if an employer has met the requirement of providing a meal period; (2) clarify that the initial meal period in a workday may commence by the end of the sixth hour of the workday; (3) provide a definition of the term “work period”; and (4) clarify that the one hour of pay an employer must pay an employee for each workday in which a meal or rest period is not provided in accordance with the applicable Industrial Welfare Commission Order is considered a penalty.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

##### **Significant Statewide Adverse Economic Impact Directly Affecting Businesses:**

DLSE has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact on directly affected businesses, including the ability of California businesses to compete with businesses in other states.

##### **Creation, Elimination, or Expansion of Jobs or Businesses (Results of Assessment under Government Code section 11346.3(b)):**

DLSE has made an initial determination that adoption of this regulation will not: (1) create or eliminate jobs within the State of California; (2) create new businesses or eliminate existing businesses within the State of California; or (3) affect the expansion of businesses currently doing business in California.

##### **Effect On Small Business:**

DLSE has determined that the proposed regulation may affect small businesses.

##### **Cost Impacts On Representative Private Persons Or Businesses:**

DLSE has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. DLSE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

##### **Local Mandate Determination:**

DLSE has determined that the proposed regulatory action does not impose any mandate on local agencies or school districts.



**Costs on Local Agencies or School Districts:**

DLSE has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. Furthermore, DLSE has determined that the proposed regulatory action does not impose costs on any local agency or school district which must be reimbursed in accordance with Government Code section 17561.

**Cost Or Savings To State Agencies:**

DLSE has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

**Effect On Federal Funding To The State:**

DLSE has determined that the proposed regulatory action results in no costs or savings in federal funding to the State.

**Effect On Housing Costs:**

DLSE has made an initial determination that the adoption of this regulation will have no significant effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

DLSE must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of DLSE, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action. DLSE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the hearings or during the written comment period.

**CONTACT PERSONS**

The text of the proposed regulation, the initial statement of reasons, and the modified text of the regulation, if any, may be accessed at DLSE's website (<http://www.dir.ca.gov/dlse>). For those without Internet access, requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based should be directed to:

Allen Perlof, Senior Deputy Labor Commissioner  
Division of Labor Standards Enforcement  
9th Floor West  
P.O. Box 420603  
San Francisco, CA 94142  
Telephone: (415) 703-4810  
FAX (415) 703-4807

In the event the contact person is unavailable, inquiries regarding the proposed regulatory action should be directed to the following backup contact person:

Leslie Clements, Staff Services Manager  
Division of Labor Standards Enforcement  
9th Floor West  
P.O. Box 420603  
San Francisco, CA 94142  
Telephone: (415) 703-4810  
FAX (415) 703-4807

Inquiries concerning the substance of the proposed action may be directed to Allen Perlof at the address and phone number specified above.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATION**

DLSE will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its San Francisco headquarters office at 455 Golden Gate Avenue, 9th Floor West, San Francisco, CA 94102, as specified herein. Additionally, this notice of proposed action, the initial statement of reasons, and the proposed text of the regulation are also available on the DLSE's website (<http://www.dir.ca.gov/dlse>). As of the date this notice is published in the Notice Register, the rulemaking file consists of: (1) this notice, (2) the proposed text of the regulation, (3) the initial statement of reasons, (4) veto message for Assembly Bill 3018; (5) Assembly Floor Analysis of AB 2509 as amended on August 25, 2000; (6) Portion of June 2000, minutes of the Industrial Welfare Commission; (7) DLSE memo rescinding certain opinion letters; and (8) *Tidewater Marine Western, Inc. v. Victoria L. Bradshaw* (14 Cal. 4th 557). Copies may be obtained by contacting Allen Perlof at the address or phone number listed above.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After holding the public hearings and considering all timely and relevant comments received, DLSE may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which DLSE adopts the regulation. Requests for copies of the modified regulation, if any, should be sent to the attention of Allen Perlof at the address indicated above. DLSE will accept written comments on the modified regulation for 15 days after the date on which they are made available.

## AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on the DLSE's website (<http://www.dir.ca.gov/dlse>).

## TITLE 8. DIVISION OF APPRENTICESHIP STANDARDS

### NOTICE OF PROPOSED ACTION

NOTICE IS HEREBY GIVEN that the Division of Apprenticeship Standards ("Division"), pursuant to rulemaking authority derived from Labor Code sections 55, 59, and 3099–3099.5, in order to implement, interpret and make specific sections 3099–3099.5 of the Labor Code, proposes to amend Part IV, Sections 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, and 295.0, and proposes to adopt Part IV, Sections 296.0, 296.1, 296.2, 296.3, and 296.4, in Chapter 2 of Title 8 of the California Code of Regulations ("CCR") concerning electrician certification.

### PUBLIC HEARING

The Division will hold public hearings on Tuesday, February 22, 2005 from 10:00 a.m. to 3:00 p.m. at the Hiram Johnson State Building, 455 Golden Gate Avenue, Basement Conference Room, San Francisco, California, and on Friday, February 25, 2005 from 10:00 a.m. to 3:00 p.m. at the Ronald Reagan State Building, First Floor, South Tower, 300 South Spring Street, Los Angeles, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Division requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Bryan Goyette, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 8th Floor, San Francisco, CA 94102. Written comments may also be sent to Bryan Goyette (1) via electronic mail to [AB1087\\_comments@dir.ca.gov](mailto:AB1087_comments@dir.ca.gov) or (2) via fax to (415) 703-5477. To be considered, written comments must be received by the Division no later than 5:00 p.m., February 25, 2005.

## CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Nancy David at (415) 355-5470. The backup contact person is Jeannie Kaatz at (415) 703-4919. Inquiries regarding the substance of the proposed regulations may be directed to Bryan Goyette at (415) 703-4920.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Legislature enacted Labor Code sections 3099 *et seq.* in 1999 to establish a program for certifying electricians. In a prior rulemaking, the Division adopted regulations to implement and enforce this section.

The Legislature has enacted changes since the original establishment of the program. These include providing that certification become mandatory for persons performing work as electricians, except for registered apprentices and those registered as the newly created category of electrician trainees with the Division. The recent amendments establish an electrical certification curriculum committee charged with adopting standards for instruction to be provided under the jurisdiction of the State Department of Education or the California Community Colleges for the electrician trainees. The DAS is charged with issuing regulations to implement these and other statutory changes as follows. No comparable federal regulation or statute exists. Please see the Division's Initial Statement of Reasons for further information.

Section 290.1 is to be amended to: i) add definitions for Approved Curriculum, Certified Electrician, Curriculum Committee, Curriculum Standards, Education Provider, Electrician Trainee, and NICET; ii) alphabetize all definitions; and, iii) eliminate subsection numbers.

Section 291.1 is to be amended to: i) provide that the experience requirement for Fire/Life Safety Technician may be satisfied by certain levels of NICET certification; and, ii) clarify that the Chief DAS may grant credit for on-the-job experience or apprenticeship program completion when assessing the experience of applicants who are licensed electricians in other states.

Section 291.2 is to be amended to include: i) a referral to the DAS website address for obtaining a certification application form; ii) a direction that applicants indicate whether they request the certification examination in Spanish; iii) a provision that DAS inform an applicant within 30, rather than 60, days of receipt of an application whether the applicant is eligible to take the examination; iv) a provision that if the applicant does not take the examination within

one year after being notified of eligibility, the applicant must submit a new application and make new payment of fees; v) a provision that if an initial application is deficient, the DAS shall return the application materials and refund all fees; vi) a provision that registered apprentices may take the examination within one year before completing the apprenticeship; vii) a provision that an electrician trainee may take the examination upon completing an approved curriculum.

Section 291.3 is to be amended to: i) permit the Chief DAS to delegate requests for special accommodations on account of disability for the examination; ii) reflect that DAS is to provide the certification examination and information about certification in non-English language pursuant to Labor Code section 3099.3 (a) and (b).

Section 291.4 is to be amended to provide that an application furnishes no more than a one-year period of eligibility to sit for the examination.

Section 291.5 is to be amended to: i) provide a timeline within which DAS must act on a renewal application; ii) provide a procedure by which a renewal applicant can avoid a lapse in certification; iii) provide that further education required for renewal must be obtained from an educational provider under jurisdiction of the State Department of Education or Chancellor of the Community Colleges; iv) include the statutory exception that individuals certified before the certification deadline shall be treated as having become certified on the first anniversary of their certification date falling after the deadline, for purposes of continuing education or recertification requirements.

Section 292.0 is amended to provide the amount of fee for registering as an Electrician Trainee.

Section 293.0 is to be amended to: i) change the event that triggers the running of a time period to appeal a certification denial, or request a hearing on a notice of intention to suspend or revoke certification, from "receipt" to "service" of the denial or notice of intention; ii) extend the time period to appeal a certification denial or request a hearing on a notice of intention to suspend or revoke certification from 20 to 30 days; iii) permit the Chief DAS to have an authorized representative conduct hearings on appeals of certification denials; iv) to set time periods for hearings and rulings on appeals of certification denials, on requests for hearings on suspension and revocation notices, and on suspensions and revocations should no hearing be timely requested.

Section 295.0 is to be amended to: i) include that names of electrician trainees be publicly available from DAS; ii) specify that DAS shall update its list of certified electricians and electrician trainees yearly,

and include zip codes with the names; iii) require electrician trainees to be responsible for notifying DAS of address changes.

Section 296.0 is to be adopted to: i) specify the composition, structure, responsibilities, administration, and location of the curriculum committee; ii) set forth the duties of the curriculum committee and the DAS regarding curriculum standards for electrician certification; iii) provide the procedure by which an educational provider may obtain approval for its curriculum to permit its students to be eligible for registration as electrician trainees; iv) permit educational providers to offer curriculum that covers all or part of the curriculum standards, and require the providers to specify in its publications what elements of the standards its curriculum covers; v) require DAS to provide the names of education providers with approved curriculum to the public.

Section 296.1 is to be adopted to provide standards and procedures by which an individual may acquire and maintain registration as an electrician trainee.

Section 296.2 specifies the eligibility requirement of "enrollment in an approved curriculum" for registration as an electrician trainee. It also provides procedures for the DAS to be informed of the electrician trainee's enrollment status, and requires the DAS to cancel the trainee's registration if enrollment ceases.

Section 296.3 is to be adopted to: i) describe the responsibilities of employers of electrician trainees when certification would otherwise be required for the work; and, ii) describe the penalty and procedures by which the Chief DAS may impose a penalty on employers who fail to provide adequate supervision to electrician trainees.

Section 296.4 is to be adopted to provide for procedures by which the Chief DAS may deny or cancel registration of an electrician trainee, and by which such denial or cancellation may be appealed.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Division has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. Enactments by the Legislature provide for a mandatory system of certification and for establishment of a curriculum committee to adopt standards for an alternative system of education for the newly created category of electrician trainee. These proposed changes to the regulations do not impose any significant economic impact independent of the statutes. Costs imposed



on individuals seeking certification are set as necessary to fund the certification program, and are not significant.

- Impact on the creation of jobs or the creation, elimination, or expansion of businesses within the State of California, or effect on small businesses: None. Enactments by the Legislature provide for a mandatory system of certification and for establishment of a curriculum committee to adopt standards for an alternative system of education for the newly created category of electrician trainee. These proposed changes to the regulations do not impose any significant economic impact or effect independent of the statutes. Costs imposed on individuals seeking certification or registration are set as necessary to fund the certification program, and are not significant.
- Significant effect on housing costs: None. Enactments by the Legislature provide for a mandatory system of certification and for establishment of a curriculum committee to adopt standards for an alternative system of education for the newly created category of electrician trainee. These proposed changes to the regulations do not impose any significant economic impact independent of the statutes. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant.
- Cost impacts on representative private person or business: The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. A representative person seeking registration as an electrician trainee as implemented by this proposed action would incur a one-time registration fee of \$25.00. The trainee would also be required to pay the necessary fees to his or her educational provider for the curriculum of alternative education necessary to maintain eligibility as a trainee. Such fees would be under the jurisdiction of the State Department of Education and the California Community Colleges and are not a subject of these regulations.

#### FISCAL IMPACTS

- Costs or savings to state agencies or costs / savings in federal funding to the State: The program is presently funded by fees imposed by existing regulations as authorized by statute to cover the cost of program administration. Initial start-up costs for new elements in these regulations is mandated by statute. These fees are to be borne initially by the Division, and likewise to be recovered through fees as provided in the existing regulations and as imposed by this action, as authorized by statute to cover the cost of program administration.

- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs / savings imposed upon local agencies: None.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Gov't Code section 11346.5(a)(13), the Division must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Division would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons.

The Division invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS / INTERNET ACCESS

An initial statement of reasons and the text ("express terms") of the proposed regulations have been prepared and are available from the contact person named in this notice. The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency's Internet website at [www.dir.ca.gov](http://www.dir.ca.gov).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Division may adopt the proposed regulations substantially as described in this notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Division adopts the regulations as revised. Any such modifications will also be posted on the Division's website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested

from the contact person named in this notice or may be accessed on the website listed above.

## **TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

### **NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **February 17, 2005**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **February 17, 2005**, following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **February 17, 2005**, following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

## **NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and Ship Building, Ship Repairing and Ship Breaking Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 17, 2005**.

### **1. TITLE 8: CONSTRUCTION SAFETY ORDERS**

Chapter 4, Subchapter 4, Article 21  
Section 1637  
**Scaffold Ladders**

### **2. TITLE 8: SHIP BUILDING, SHIP REPAIRING AND SHIP BREAKING SAFETY ORDERS**

Chapter 7, Subchapter 18, Article 3,  
Section 8354  
Article 8, Sections 8397, 8397.10,  
8397.11, 8397.12 and 8397.13  
**Fire Protection in Shipyard Employment**

A description of the proposed changes are as follows:

### **1. TITLE 8: CONSTRUCTION SAFETY ORDERS**

Chapter 4, Subchapter 4, Article 21  
Section 1637  
**Scaffold Ladders**

### **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking as result of a Form 9, Request For New or Amended Safety Order, submitted by the Division of Occupational Safety and Health (Division) on October 31, 2002, to revise Section 1637 of the Construction Safety Orders (CSO).

Section 1637 contains minimum requirements pertaining to scaffolds including, but not limited to, their design and construction, anchorage and bracing, erection and dismantling, loading, and access. The Division's Form 9 indicates that there is confusion as to what standards apply to access ladders specifically manufactured for, and affixed to, scaffold systems (attachable ladders) referenced in subsection (n)(2). Subsection (n)(2) contains specifications and use

requirements for ladders, permanent stairways, prefabricated scaffold steps/stairs, and end frames used as climbing devices, but does not include standards for manufactured “attachable ladders.” Attachable ladders, including hook-on ladders, are specifically designed and constructed to be affixed to scaffold systems. Because attachable ladders fall outside the scope of safety orders that regulate ladders or scaffold stair systems contained elsewhere in Title 8, it is necessary to amend this section to add specific standards applicable to attachable scaffold ladders, consistent with Federal OSHA, 29 Code of Federal Regulations (CFR) 1926.451(e).

For the most part, Board staff incorporated the Division’s suggested amendments to Section 1637(a)(2). The Division’s proposal included a requirement that rungs on hook-on and attachable ladders be spaced a maximum of 12 inches between rungs. Board staff learned that in 1996, Federal OSHA proposed a reduction in rung spacing from 16-3/4 inches to 12 inches in their counterpart standards contained in 29 CFR 1926.451 for attachable ladders. However, they refrained due to industry concerns over the adverse economic impact it would cause. Consequently, in the absence of data or evidence supporting 12 inch rung spacing, including any improvements in employee safety, Board staff has included the requirement for maximum rung spacing of 16-3/4 inches in the proposal, consistent with federal counterpart requirements.

Also included in the Division’s proposal was a request to amend Sections 1637(n)(2)(A) and 1644(a)(8), which require that ladders used for access comply with Article 25 of the Construction Safety Orders. The Division proposed that these standards be specific to “portable” ladders only. In consideration of the Division’s request, Board staff concluded that by requiring only portable ladders to conform to Article 25 would remove several valuable safety requirements applicable to all other ladders, e.g., the use of ladders in such a way as to provide safe access to all elevations, prohibiting the use of ladders that are broken or are otherwise faulty or defective, and the mandate that either side rails be extended not less than 36 inches above the landing or grab rails must be installed. Consequently, Board staff declines to incorporate the Division’s recommended amendments to Sections 1637(n)(2)(A) and 1644(a)(8).

Also included in this rulemaking action are proposed amendments by Board staff to require that prefabricated scaffold steps or stairs manufactured after the effective date of the standard comply with American National Standard, ANSI A10.8-2001, Safety Requirements for Scaffolding, proposed for incorporation by reference. For those manufactured on or before the effective date, compliance with either the

existing, 1988 ANSI standard, or the 2001 ANSI standard already proposed for incorporation by reference is proposed. Other nonsubstantive, editorial changes are proposed for subsection (n)(2)(C)2 for clarification purposes.

This proposed rulemaking action contains additional nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

#### Section 1637(n)

Subsection (n) contains a general requirement that safe and unobstructed access must be provided to all scaffold platforms, by a walkway, stair, or ladder. Additionally, subsection (n) contains design and construction standards or references to such standards for ladders, stairs, and horizontal members (rungs) of scaffold end frames used as climbing devices. Subsection (n), however, does not contain standards pertaining to attachable ladders.

#### Subsection (n)(2)

Subsection (n)(2) contains specifications and use requirements for portable ladders, permanent stairways, prefabricated scaffold steps/stairs, and horizontal members of end-frames used as a climbing device. However, subsection (n)(2) does not include standards for manufactured metal ladders that are specifically designed and constructed to be affixed to scaffold systems. Because these attachable ladders fall outside the scope of the ladder or stair system types currently under Section 1637(n), this proposal would add specific standards applicable to attachable ladders, consistent with 29 CFR 1926.451(e).

#### New Subsection (n)(2)(A)

The proposal adds new subsection (n)(2)(A) for manufactured hook-on and attachable ladders, and requires that they be securely attached to the scaffold. In addition, subparagraphs 1 through 3 of new subsection (A) are proposed which require that these attachable ladders be specifically designed for use with the type of scaffold used; have a minimum rung length of 11-1/2 inches (29 cm); and have uniform spaced rungs with a maximum spacing between rungs of 16-3/4 inches. The proposed new subsection is necessary to address a deficiency in the existing standard, i.e., manufactured attachable ladders, and will ensure that: 1) attachable ladders are securely attached to the scaffold, 2) compatible ladders are used specific to the scaffold system used, 3) sufficient



footholds are provided for safe access to the scaffold, and 4) adequate, predictable rung spacing is provided for safe access or egress.

Subsection (n)(2)(B)

Existing subsection (n)(2)(B), proposed for relettering as subsection (n)(2)(C), contains a requirement that prefabricated scaffold steps or stairs must comply with the design, manufacture, and installation requirements of ANSI A10.8-1988, Scaffolding- Safety Requirements. An amendment is proposed to require prefabricated scaffold steps or stairs manufactured after a specified effective date to meet the latest ANSI standard, A10.8-2001, proposed for incorporation by reference, while those manufactured on or before the specified effective date would be required to meet either the existing referenced standard, ANSI A10.8-1988, or the 2001 ANSI standard. This proposed amendment would have no effect since existing or newly manufactured prefabricated scaffold steps or stairs already meet the design, manufacture, and installation requirements of either of these standards.

Subsection (n)(2)(C)

Existing subsection (n)(2)(C), proposed for relettering as subsection (n)(2)(D), permits the horizontal members of scaffold end-frames to be designed and used as a climbing device to access scaffold platforms provided the steps are 1) reasonably parallel and level, 2) continuous climb as required in Section 1644(a)(8) using frames of the like configuration, and 3) provided with sufficient clearance to provide a good handhold and foot space. An amendment is proposed to editorially revise subparagraph 2, consistent with the format of subparagraphs 1 and 3. This amendment will have no effect other than to improve the clarity of the subsection requirements.

DOCUMENTS INCORPORATED  
BY REFERENCE

1. American National Standard, ANSI A10.8-2001, Safety Requirements for Scaffolding.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. Copies of this document are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments are consistent with Federal OSHA scaffold access standards. Attachable ladders currently manufactured for use on scaffold systems are being constructed to these federal standards, specifically up to the 16-3/4 inch rung spacing, and therefore are already in compliance with the proposed standard. Additionally, this rulemaking action proposes to incorporate by reference the latest edition of the ANSI A10.8 standard. This amendment will not result in added costs or savings as currently manufactured attachable ladders already meet these national consensus standards. Attachable ladders manufactured prior to the effective date of the proposed standard are only required to meet the existing referenced ANSI standard. The proposed amendments to Section 1637 will ensure consistency with current industry practice and federal counterpart standards contained in 29 CFR 1926.451.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a "new



program or higher level of service of an existing program within the meaning of section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standard.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

#### ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### 2. TITLE 8: SHIP BUILDING, SHIP REPAIRING AND SHIP BREAKING SAFETY ORDERS

Chapter 7, Subchapter 18, Article 3, Section 8354

Article 8, Sections 8397, 8397.10, 8397.11, 8397.12 and 8397.13

#### **Fire Protection in Shipyard Employment**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt standards at least as effective as federal standards addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated standards addressing Fire Protection in Shipyard Employment on September 15, 2004, as 29 Code of Federal Regulations, Sections 1915.501, .502, .503, .504, .505, .506, .507, .508, and .509. The Board is relying on the explanation of the provisions of the federal standards in Federal Register, Volume 69, No. 178, pages 55,668-55,708, September 15, 2004, as the justification for the Board’s proposed rulemaking action. The Board proposes to adopt standards, which are the same as the federal standard except for editorial and format differences.

The federal Fire Protection in Shipyard Employment standard was developed through the federal negotiated rulemaking process and will provide increased protection from fire hazards for nearly 98,000 workers in the ship building, ship repair and ship breaking industries. The Final Rule incorporates 19 national consensus standards from the National Fire Protection Association (NFPA) and includes relevant information from other sources, including federal OSHA’s general industry standard on fire protection, as well as procedures from the U.S. Navy and U.S. Coast Guard. The federal standard requires a written fire watch policy and also discontinues the practice allowing workers who perform hot work, such as welding cutting, or grinding to act as their own fire watch. The Final Rule also affords employers flexibility by allowing them to rely on a combination of fire response organizations (e.g., internal, external, or both) rather than requiring them to establish internal fire brigades.

The State’s proposal addresses only a portion of the Final Rule, specifically all federal definitions not already contained in Title 8 (e.g., alarm, alarm system, body harness, contract employer), standards pertaining to multi-employer worksites, fire safety plans, fire response, and employee training. Federal shipyard standards pertaining to precautions for hot work and fire watches, hazards of fixed extinguishing systems on board vessels and land side fire protection are not proposed for inclusion since they represent issues which are already effectively addressed by existing Title 8, General Industry Safety Order standards and the applicable national consensus standards they incorporate by reference, or they represent standards

for which California's Occupational Safety and Health program lacks enforcement jurisdiction (i.e., hazards of fixed extinguishing systems on board vessels).

The proposed standard is substantially the same as the final rule promulgated by federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard; however, the Board is still providing a public comment period and will convene a public hearing. The purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State. In the corresponding federal standard, the provisions of the fire safety plan review and training requirements took effect 90 days from the promulgation date of the federal standard, which was September 14, 2004. In determining when these two provisions of the proposed state standards become effective, the Board staff is proposing a parallel transition time line. Specifically, the State is proposing to make effective the standards contained in Section 8397.11(c)(1), which specifies fire safety plan review and Section 8397.13(a)(1), the training requirements, within 90 days of March 17, 2005, the projected adoption date for this rulemaking proposal. Pursuant to Labor Code Section 142.3(a)(3), the standards may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

#### DOCUMENTS INCORPORATED BY REFERENCE

1. National Fire Protection Association (NFPA) 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services, 2002 Edition, Batterymarch Park, MA.
2. NFPA 1971, Standard on Protective Ensemble for Structural Fire Fighting, 2000 Edition, Batterymarch Park, MA.
3. NFPA 1976, Standard on Protective Ensemble for Proximity Fire Fighting, 2000 Edition, Batterymarch Park, MA.

4. NFPA 1983, Standard on Fire Service Life Safety Rope and System Components, 2001 Edition, Batterymarch Park, MA.
5. NFPA 1403, Standard on Live Fire Training Evolutions, 2002 Edition, Batterymarch Park, MA.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### COST ESTIMATES OF PROPOSED ACTION

According to Section IV., Summary of Final Economic and Regulatory Flexibility Analysis, beginning on page 55,698 of the federal Final Rule Preamble, federal OSHA states that the final standard will affect approximately 669 employers and about 98,000 employees in the ship building, ship repair and ship breaking industries nationwide. OSHA estimates that the final standard will prevent 1 death and 292 workplace injuries (102 lost workday injuries) annually. The Agency estimates approximately \$6.2 million in cost savings from these 292 injuries. Furthermore, federal OSHA has determined that the final standard is not an economically significant regulatory action and not a major rule under the Congressional Review provisions of the Small Business Regulatory Enforcement Fairness Act.

Federal OSHA learned through the course of its negotiated rulemaking process in which labor and management representatives deliberated over the development of the Final Rule provisions, that the parties were able to reach consensus on practically all of the issues addressed in the Final Rule. This was largely attributable to the fact that many firms in the ship building industry are already implementing the controls and practices required by the standard. Based on discussions with a representative from California's largest ship building company about the proposed amendments, staff learned that the cost impact of what are largely administrative controls is expected to be minimal. This is because the standards contained in this proposal have to a significant degree been implemented. This is consistent with the federal OSHA finding that ship builders across the country are already implementing the proposed standards.

#### DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments

will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

#### ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 11, 2005. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 17, 2005, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@hq.dir.ca.gov](mailto:oshsb@hq.dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board’s notice and other materials associated with this proposal on the Standards Board’s homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board’s website or by calling the telephone number listed above.

## TITLE 16. ARCHITECTS BOARD

### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person



interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, at 10:00 a.m. on February 15, 2005. Written comments must be received by the Board at its office at the above address not later than February 14, 2005 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE CITATIONS

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Sections 5550 and 5552 of said Code, the California Architects Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

##### **Amend Section 109—Filing of Applications.**

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Sections 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the procedures for filing of applications.

This proposal would amend the regulations in order to:

- Revise the categories of candidates who are subject to the Intern Development Program (IDP), or Intern Architect Program (IAP) of Canada, and Comprehensive Intern Development Program (CIDP) requirement as of January 1, 2005. Only those candidates applying for eligibility evaluation for the Architect Registration Examination (ARE) will be subject to the requirement.
- Clarify the requirement that candidates have at least one year of work experience under the direct supervision of an architect licensed in a United States jurisdiction, which is granted at 100% credit as evaluated by the Board. Expand the above

requirement to also accept candidates who have at least two years of work experience under the direct supervision of an architect licensed in a Canadian province, which is granted at 50% credit as evaluated by the Board.

##### **Amend Section 116—Eligibility for Examination.**

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Sections 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the eligibility requirements for examinations.

This proposal would amend the regulations in order to:

- Clarify the requirement that candidates have at least one year of work experience under the direct supervision of an architect licensed in a United States jurisdiction, which is granted at 100% credit as evaluated by the Board. Expand the above requirement to also accept candidates who have at least two years of work experience under the direct supervision of an architect licensed in a Canadian province, which is granted at 50% credit as evaluated by the Board.

##### **Amend Section 117—Experience Evaluation.**

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Section 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations. Section 5552 requires an applicant for a license to practice architecture to furnish evidence of having completed eight years of training and educational experience in architectural work.

Existing regulations specify that education and training credit shall be granted pursuant to the provisions of the Table of Equivalents.

This proposal would amend the regulations in order to:

- Revise the categories of candidates who are subject to the IDP, or IAP of Canada, and CIDP requirement as of January 1, 2005. Only those candidates applying for eligibility evaluation for the ARE will be subject to the requirement and granted credit under Table of Equivalents Column D.



- Accept evaluations of degrees from foreign colleges by the National Architectural Accrediting Board (NAAB), in addition to those currently accepted from educational evaluation services approved by the National Association of Credential Evaluation Services, Inc. (NACES).
- Clarify the requirement that candidates have at least one year of work experience under the direct supervision of an architect licensed in a United States jurisdiction, which is granted at 100% credit as evaluated by the Board. Expand the above requirement to also accept candidates who have at least two years of work experience under the direct supervision of an architect licensed in a Canadian province, which is granted at 50% credit as evaluated by the Board. Eliminate the exemption to that requirement for candidates who have completed IDP or IAP and for applicants who possess certification from the National Council of Architectural Registration Boards.

In addition, nonsubstantive changes are being made for clarifying and consistency purposes.

#### LOCAL MANDATE

The proposed regulatory action does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ON PUBLIC AGENCIES/ STD 399

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other nondiscretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

#### COST IMPACT ON AFFECTED PRIVATE PERSONS

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### HOUSING COSTS

The proposed regulatory action will not have a significant effect on housing costs.

#### EFFECT ON SMALL BUSINESS

The proposed regulatory action will not affect small businesses, because it only affects candidates for licensure.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

California Architects Board  
400 R Street, Suite 4000  
Sacramento, CA 95814  
Attn: Betsy Figueira  
(916) 445-3394  
(916) 445-8524 (FAX)  
betsy\_figueira@dca.ca.gov

The backup contact person is:

Vickie Mayer  
(916) 445-3394  
(916) 445-8524 (FAX)  
vickie\_mayer@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Betsy Figueira at (916) 445-3394.

#### COMMENT PERIOD

Written comments must be received by the Board at the California Architects Board, 400 R Street, Suite 4000, Sacramento, CA 95814 not later than February 14, 2005 at 5:00 p.m. or at the hearing to be held in the Board office at 10:00 a.m. on February 15, 2005.

#### AVAILABILITY OF MODIFICATIONS

With the exception of technical or grammatical changes, the full text of any modified proposal will be available from the person designated in this notice as contact person for 15 days prior to its adoption and will be mailed to those persons who submit written or oral testimony related to this proposed regulatory action or who have requested notification of any changes to the proposal.

#### REFERENCE TO TEXT AND INITIAL STATEMENT OF REASONS

The Board has prepared a statement of the reasons for the proposed action, which is available to the public upon request. The express terms of the proposed action and all information upon which the proposal is based are available upon request.

#### BUSINESS IMPACT

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it only affects candidates for examination and licensure.

#### IMPACT ON JOBS/NEW BUSINESSES

The proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses cur-

rently doing business within the State of California, because it only affects candidates for examination and licensure.

#### PUBLIC HEARING

A public hearing will be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, at 10:00 a.m. on February 15, 2005.

#### FEDERAL MANDATE

The proposed regulatory action is not mandated by federal law or is not identical to any previously adopted or amended federal regulation.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be either more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposed regulatory action. The actual determination must be part of both the Initial and Final Statement of Reasons.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact person named above.

#### WEBSITE ACCESS

Materials regarding the proposed regulatory action can be found at [www.cab.ca.gov](http://www.cab.ca.gov).

### PROPOSITION 65

#### STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

#### CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY DECEMBER 31, 2004

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS)

Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

#### CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
<del>Allyl chloride</del>	<del>107051</del>	<del>January 1, 1990</del>
<del>Delisted October 29, 1999</del>	<del>117793</del>	<del>October 1, 1989</del>
2-Aminoanthraquinone	60093	January 1, 1990
p-Aminoazobenzene	97563	July 1, 1987
ortho-Aminoazotoluene	92671	February 27, 1987
4-Aminobiphenyl	81492	August 26, 1997
(4-aminodiphenyl)	6109973	July 1, 1989
1-Amino-2,4-dibromoanthraquinone	153786	January 29, 1999
3-Amino-9-ethylcarbazole hydrochloride	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Asbestos	1332214	February 27, 1987	Chlorambucil	305033	February 27, 1987
Auramine	492808	July 1, 1987	Chloramphenicol	56757	October 1, 1989
Azacitidine	320672	January 1, 1992	Chlordane	57749	July 1, 1988
Azaserine	115026	July 1, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Azathioprine	446866	February 27, 1987	Chlordimeform	6164983	January 1, 1989
Azobenzene	103333	January 1, 1990	Chlorendic acid	115286	July 1, 1989
Benz[a]anthracene	56553	July 1, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benzene	71432	February 27, 1987	p-Chloroaniline	106478	October 1, 1994
Benzidine [and its salts]	92875	February 27, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzidine-based dyes	—	October 1, 1992	Chlorodibromomethane	124481	January 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987	Delisted October 29, 1999	—	—
Benzo[j]fluoranthene	205823	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[k]fluoranthene	207089	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU)	13010474	January 1, 1988
Benzofuran	271896	October 1, 1990	(Lomustine)	—	—
Benzo[a]pyrene	50328	July 1, 1987	1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosourea (Methyl- CCNU)	13909096	October 1, 1988
Benzotrichloride	98077	July 1, 1987	Chloroform	67663	October 1, 1987
Benzyl chloride	100447	January 1, 1990	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Benzyl violet 4B	1694093	July 1, 1987	3-Chloro-2-methylpropene	563473	July 1, 1989
Beryllium and beryllium compounds	—	October 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Betel quid with tobacco	—	January 1, 1990	4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988
2,2-Bis(bromomethyl)-1,3- propanediol	3296900	May 1, 1996	p-Chloro-o-toluidine	95692	January 1, 1990
Bis(2-chloroethyl)ether	111444	April 1, 1988	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
N,N-Bis(2-chloroethyl)-2- naphthylamine (Chlor- napazine)	494031	February 27, 1987	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	Chloroprene	126998	June 2, 2000
Bis(chloromethyl)ether	542881	February 27, 1987	Chlorothalonil	1897456	January 1, 1989
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	Chlorotrianisene	569573	September 1, 1996
Bitumens, extracts of	—	—	Chlorozotocin	54749905	January 1, 1992
steam-refined and air refined	—	January 1, 1990	Chromium (hexavalent compounds)	—	February 27, 1987
Bracken fern	—	January 1, 1990	Chrysene	218019	January 1, 1990
Bromate	15541454	May 31, 2002	C.I. Acid Red 114	6459945	July 1, 1992
Bromodichloromethane	75274	January 1, 1990	C.I. Basic Red 9	—	—
Bromoethane	74964	December 22, 2000	monohydrochloride	569619	July 1, 1989
Bromoform	75252	April 1, 1991	C.I. Direct Blue 15	2429745	August 26, 1997
1,3-Butadiene	106990	April 1, 1988	C.I. Direct Blue 218	28407376	August 26, 1997
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	C.I. Solvent Yellow 14	842079	May 15, 1998
Butylated hydroxyanisole	25013165	January 1, 1990	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
beta-Butyrolactone	3068880	July 1, 1987	Cidofovir	79217600	January 29, 1999
Cacodylic acid	75605	May 1, 1996	Cinnamyl anthranilate	87296	July 1, 1989
Cadmium and cadmium compounds	—	October 1, 1987	Cisplatin	15663271	October 1, 1988
Caffeic acid	331395	October 1, 1994	Citrus Red No. 2	6358538	October 1, 1989
Captadol	2425061	October 1, 1988	Clofibrate	637070	September 1, 1996
Captan	133062	January 1, 1990	Cobalt metal powder	7440484	July 1, 1992
Carbazole	86748	May 1, 1996	Cobalt [II] oxide	1307966	July 1, 1992
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Carbon tetrachloride	56235	October 1, 1987	Coke oven emissions	—	February 27, 1987
Carbon-black extracts	—	January 1, 1990	Conjugated estrogens	—	February 27, 1987
N-Carboxymethyl-N- nitrosourea	60391926	January 25, 2002	Creosotes	—	October 1, 1988
Catechol	120809	July 15, 2003	para-Cresidine	120718	January 1, 1988
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cupferron	135206	January 1, 1988
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Cycasin	14901087	January 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Dihydrosafrole	94586	January 1, 1988
Cytembena	21739913	May 15, 1998	Diisopropyl sulfate	2973106	April 1, 1993
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Red No. 8	2092560	October 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 9	5160021	July 1, 1990	3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
D&C Red No. 19	81889	July 1, 1990	3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dacarbazine	4342034	January 1, 1988	Dimethyl sulfate	77781	January 1, 1988
Daminozide	1596845	January 1, 1990	4-Dimethylaminoazo- benzene	60117	January 1, 1988
Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
Daunomycin	20830813	January 1, 1988	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987	Dimethylcarbamoyl chloride	79447	January 1, 1988
DDVP (Dichlorvos)	62737	January 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
N,N'-Diacetylbenzidine	613354	October 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
2,4-Diaminoanisole	615054	October 1, 1990	Dimethylvinylchloride	513371	July 1, 1989
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	3,7-Dinitrofluoranthene	105735715	August 26, 1997
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	3,9-Dinitrofluoranthene	22506532	August 26, 1997
2,4-Diaminotoluene	95807	January 1, 1988	1,6-Dinitropyrene	42397648	October 1, 1990
Diaminotoluene (mixed)	—	January 1, 1990	1,8-Dinitropyrene	42397659	October 1, 1990
Dibenz[a,h]acridine	226368	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
Dibenz[a,j]acridine	224420	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
Dibenz[a,h]anthracene	53703	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1995
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
Dibenzo[a,e]pyrene	192654	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,h]pyrene	189640	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Direct Black 38 (technical grade)	1937377	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Blue 6 (technical grade)	2602462	January 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Direct Brown 95 (technical grade)	16071866	October 1, 1988
Dichloroacetic acid	79436	May 1, 1996	Disperse Blue 1	2475458	October 1, 1990
p-Dichlorobenzene	106467	January 1, 1989	Diuron	330541	May 31, 2002
3,3'-Dichlorobenzidine	91941	October 1, 1987	Epichlorohydrin	106898	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Erionite	12510428	October 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Estradiol 17B	50282	January 1, 1988
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estragole	140670	October 29, 1999
1,1-Dichloroethane	75343	January 1, 1990	Estrone	53167	January 1, 1988
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Estropipate	7280377	August 26, 1997
1,2-Dichloropropane	78875	January 1, 1990	Ethinylestradiol	57636	January 1, 1988
1,3-Dichloropropene	542756	January 1, 1989			
Dieldrin	60571	July 1, 1988			
Dienestrol	84173	January 1, 1990			
Diepoxybutane	1464535	January 1, 1988			
Diesel engine exhaust	—	October 1, 1990			
Di(2-ethylhexyl)phthalate	117817	January 1, 1988			
1,2-Diethylhydrazine	1615801	January 1, 1988			
Diethyl sulfate	64675	January 1, 1988			
Diethylstilbestrol (DES)	56531	February 27, 1987			



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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Ethoprop	13194484	February 27, 2001	IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990
Ethyl acrylate	140885	July 1, 1989	Iprodione	36734197	May 1, 1996
Ethylbenzene	100414	June 11, 2004	Iron dextran complex	9004664	January 1, 1988
Ethyl methanesulfonate	62500	January 1, 1988	Isobutyl nitrite	542563	May 1, 1996
Ethyl-4,4'-dichloro-benzilate	510156	January 1, 1990	Isoprene	78795	May 1, 1996
Ethylene dibromide	106934	July 1, 1987	Isosafrole	120581	October 1, 1989
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Isoxaflutole	141112290	December 22, 2000
Ethylene oxide	75218	July 1, 1987	Lactofen	77501634	January 1, 1989
Ethylene thiourea	96457	January 1, 1988	Lasiocarpine	303344	April 1, 1988
Ethyleneimine	151564	January 1, 1988	Lead acetate	301042	January 1, 1988
Fenoxycarb	72490018	June 2, 2000	Lead and lead compounds	—	October 1, 1992
Folpet	133073	January 1, 1989	Lead phosphate	7446277	April 1, 1988
Formaldehyde (gas)	50000	January 1, 1988	Lead subacetate	1335326	October 1, 1989
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Fumonisin B <sub>1</sub>	116355830	November 14, 2003	Lynestrenol	52766	February 27, 2001
Furan	110009	October 1, 1993	Mancozeb	8018017	January 1, 1990
Furazolidone	67458	January 1, 1990	Maneb	12427382	January 1, 1990
Furmecyclohex	60568050	January 1, 1990	Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990
Fusarin C	79748815	July 1, 1995	Medroxyprogesterone acetate	71589	January 1, 1990
Ganciclovir sodium	82410320	August 26, 1997	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994
Gemfibrozil	25812300	December 22, 2000	Melphalan	148823	February 27, 1987
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Merphalan	531760	April 1, 1988
Glu-P-1 (2-Amino-6-methylidipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	Mestranol	72333	April 1, 1988
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	Metham sodium	137428	November 6, 1998
Glycidaldehyde	765344	January 1, 1988	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glycidol	556525	July 1, 1990	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Griseofulvin	126078	January 1, 1990	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Gyromitrin (Acetaldehyde methylformylhydrazine)	16568028	January 1, 1988	Methylazoxymethanol	590965	April 1, 1988
HC Blue 1	2784943	July 1, 1989	Methylazoxymethanol acetate	592621	April 1, 1988
Heptachlor	76448	July 1, 1988	Methyl carbamate	598550	May 15, 1998
Heptachlor epoxide	1024573	July 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004	5-Methylchrysene	3697243	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hexachloroethane	67721	July 1, 1990	4,4'-Methylenedianiline	101779	January 1, 1988
Hexamethylphosphoramide	680319	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hydrazine	302012	January 1, 1988	Methyleugenol	93152	November 16, 2001
Hydrazine sulfate	10034932	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methyl iodide	74884	April 1, 1988
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methylmercury compounds	—	May 1, 1996
Indium phosphide	22398807	February 27, 2001	Methyl methanesulfonate	66273	April 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988	2-Nitropropane	79469	January 1, 1988
N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988	1-Nitropyrene	5522430	October 1, 1990
N-Methylolacrylamide	924425	July 1, 1990	4-Nitropyrene	57835924	October 1, 1990
Methylthiouracil	56042	October 1, 1989	N-Nitrosodi-n-butylamine	924163	October 1, 1987
Metiram	9006422	January 1, 1990	N-Nitrosodiethanolamine	1116547	January 1, 1988
Metronidazole	443481	January 1, 1988	N-Nitrosodiethylamine	55185	October 1, 1987
Michler's ketone	90948	January 1, 1988	N-Nitrosodimethylamine	62759	October 1, 1987
Mirex	2385855	January 1, 1988	p-Nitrosodiphenylamine	156105	January 1, 1988
Mitomycin C	50077	April 1, 1988	N-Nitrosodiphenylamine	86306	April 1, 1988
Monocrotaline	315220	April 1, 1988	N-Nitrosodi-n-propylamine	621647	January 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone	139913	April 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Mustard Gas	505602	February 27, 1987	3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990
MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone)	77439760	December 22, 2000	4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990
Nafenopin	3771195	April 1, 1988	N-Nitrosomethylethyl- amine	10595956	October 1, 1989
Nalidixic acid	389082	May 15, 1998	N-Nitroso-N-methylurea	684935	October 1, 1987
Naphthalene	91203	April 19, 2002	N-Nitroso-N-methylurethane	615532	April 1, 1988
1-Naphthylamine	134327	October 1, 1989	N-Nitrosomethylvinyl- amine	4549400	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	N-Nitrosomorpholine	59892	January 1, 1988
Nickel (Metallic)	7440020	October 1, 1989	N-Nitrosornicotine	16543558	January 1, 1988
Nickel acetate	373024	October 1, 1989	N-Nitrosopiperidine	100754	January 1, 1988
Nickel carbonate	3333673	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
Nickel carbonyl	13463393	October 1, 1987	N-Nitrososarcosine	13256229	January 1, 1988
Nickel compounds	—	May 7, 2004	o-Nitrotoluene	88722	May 15, 1998
Nickel hydroxide	12054487; 12125563	October 1, 1989	Norethisterone (Norethin- drone)	68224	October 1, 1989
Nickelocene	1271289	October 1, 1989	Norethynodrel	68235	February 27, 2001
Nickel oxide	1313991	October 1, 1989	Ochratoxin A	303479	July 1, 1990
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oil Orange SS	2646175	April 1, 1988
Nickel subsulfide	12035722	October 1, 1987	Oral contraceptives, combined	—	October 1, 1989
Niridazole	61574	April 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
Nitrilotriacetic acid	139139	January 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrilotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxazepam	604751	October 1, 1994
5-Nitroacenaphthene	602879	April 1, 1988	Oxymetholone	434071	January 1, 1988
5-Nitro-o-anisidine	99592	October 1, 1989	Oxythioquinox	2439012	August 20, 1999
o-Nitroanisole	91236	October 1, 1992	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
Nitrobenzene	98953	August 26, 1997	Panfuran S	794934	January 1, 1988
4-Nitrobiphenyl	92933	April 1, 1988	Pentachlorophenol	87865	January 1, 1990
6-Nitrochrysene	7496028	October 1, 1990	Phenacetin	62442	October 1, 1989
Nitrofen (technical grade)	1836755	January 1, 1988	Phenazopyridine	94780	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Phenazopyridine hydrochloride	136403	January 1, 1988
Nitrofurazone	59870	January 1, 1990	Phenesterin	3546109	July 1, 1989
1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988	Phenobarbital	50066	January 1, 1990
N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988	Phenolphthalein	77098	May 15, 1998
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard N-oxide	126852	April 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitromethane	75525	May 1, 1997	Phenylhydrazine and its salts	—	July 1, 1992
			o-Phenylphenate, sodium	132274	January 1, 1990
			o-Phenylphenol	90437	August 4, 2000
			PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994
			Polybrominated biphenyls	—	January 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Polychlorinated biphenyls	—	October 1, 1989	p-a,a,a-Tetrachloro- toluene	5216251	January 1, 1990
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Tetrafluoroethylene	116143	May 1, 1997
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Tetranitromethane	509148	July 1, 1990
Polychlorinated dibenzofurans	—	October 1, 1992	Thioacetamide	62555	January 1, 1988
Polygeenan	53973981	January 1, 1988	4,4'-Thiodianiline	139651	April 1, 1988
Ponceau MX	3761533	April 1, 1988	Thiodicarb	59669260	August 20, 1999
Ponceau 3R	3564098	April 1, 1988	Thiourea	62566	January 1, 1988
Potassium bromate	7758012	January 1, 1990	Thorium dioxide	1314201	February 27, 1987
Primidone	125337	August 20, 1999	Tobacco, oral use of smokeless products	—	April 1, 1988
Procarbazine	671169	January 1, 1988	Tobacco smoke	—	April 1, 1988
Procarbazine hydrochloride	366701	January 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Procymidone	32809168	October 1, 1994	ortho-Toluidine	95534	January 1, 1988
Progesterone	57830	January 1, 1988	ortho-Toluidine hydrochloride	636215	January 1, 1988
Pronamide	23950585	May 1, 1996	<del>para-Toluidine</del>	<del>406490</del>	<del>January 1, 1990</del>
Propachlor	1918167	February 27, 2001	Delisted October 29, 1999		
1,3-Propane sultone	1120714	January 1, 1988	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Propargite	2312358	October 1, 1994	Treosulfan	299752	February 27, 1987
beta-Propiolactone	57578	January 1, 1988	Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Propylene glycol mono- <i>t</i> -butyl ether	57018527	June 11, 2004	Trichloroethylene	79016	April 1, 1988
Propylene oxide	75569	October 1, 1988	2,4,6-Trichlorophenol	88062	January 1, 1988
Propylthiouracil	51525	January 1, 1988	1,2,3-Trichloropropane	96184	October 1, 1992
Pyridine	110861	May 17, 2002	Trimethyl phosphate	512561	May 1, 1996
Quinoline and its strong acid salts	—	October 24, 1997	2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989	Triphenyltin hydroxide	76879	July 1, 1992
Reserpine	50555	October 1, 1989	Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990	Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Riddelliine	23246960	December 3, 2004	Tris(2-chloroethyl) phosphate	115968	April 1, 1992
<u>Saccharin</u>			Tris(2,3-dibromopropyl)phos- phate	126727	January 1, 1988
Delisted April 6, 2001	81072	<del>October 1, 1989</del>	Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
<del>Saccharin, sodium</del>			Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Delisted January 17, 2003	428449	<del>January 1, 1988</del>	Trypan blue (commercial grade)	72571	October 1, 1989
Safrole	94597	January 1, 1988	Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998	Uracil mustard	66751	April 1, 1988
Selenium sulfide	7446346	October 1, 1989	Urethane (Ethyl carbamate)	51796	January 1, 1988
Shale-oils	68308349	April 1, 1990	Vinclozolin	50471448	August 20, 1999
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988	Vinyl bromide	593602	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987	Vinyl chloride	75014	February 27, 1987
Spirolactone	52017	May 1, 1997	4-Vinylcyclohexene	100403	May 1, 1996
Stanozolol	10418038	May 1, 1997	4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Sterigmatocystin	10048132	April 1, 1988	Vinyl fluoride	75025	May 1, 1997
Streptozotocin (streptozocin)	18883664	January 1, 1988	Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003	2,6-Xylidine (2,6-Dimethylani- line)	87627	January 1, 1991
Styrene oxide	96093	October 1, 1988	Zileuton	111406872	December 22, 2000
Sulfallate	95067	January 1, 1988	<del>Zineb</del>	<del>42122677</del>	<del>January 1, 1990</del>
Talc containing asbestiform fibers	—	April 1, 1990	Delisted October 29, 1999		
Tamoxifen and its salts	10540291	September 1, 1996			
Terrazole	2593159	October 1, 1994			
Testosterone and its esters	58220	April 1, 1988			
2,3,7,8-Tetrachlorodibenzo-para- dioxin (TCDD)	1746016	January 1, 1988			
1,1,2,2-Tetrachloroethane	79345	July 1, 1990			
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988			

CHEMICALS KNOWN TO THE STATE TO  
CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999	Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
Acetohydroxamic acid	developmental	546883	April 1, 1990	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
Actinomycin D	developmental	50760	October 1, 1992	Chlorsulfuron	developmental, female, male	64902723	May 14, 1999
All-trans retinoic acid	developmental	302794	January 1, 1989	Cidofovir	developmental, female, male	113852372	January 29, 1999
Alprazolam	developmental	28981977	July 1, 1990	Cladribine	developmental	4291638	September 1, 1996
Altretamine	developmental, male	645056	August 20, 1999	Clarithromycin	developmental	81103119	May 1, 1997
Amantadine hydrochloride	developmental	665667	February 27, 2001	Clobetasol propionate	developmental, female	25122467	May 15, 1998
Amikacin sulfate	developmental	39831555	July 1, 1990	Clomiphene citrate	developmental	50419	April 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990	Clorazepate dipotassium	developmental	57109907	October 1, 1992
Aminoglycosides	developmental	—	October 1, 1992	Cocaine	developmental, female	50362	July 1, 1989
Aminopterin	developmental, female	54626	July 1, 1987	Codeine phosphate	developmental	52288	May 15, 1998
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997	Colchicine	developmental, male	64868	October 1, 1992
Amitraz	developmental	33089611	March 30, 1999	Conjugated estrogens	developmental	—	April 1, 1990
Amoxapine	developmental	14028445	May 15, 1998	Cyanazine	developmental	21725462	April 1, 1990
Anabolic steroids	female, male	—	April 1, 1990	Cycloate	developmental	1134232	March 19, 1999
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992	<del>Cyclohexanol</del>	<del>male</del>	<del>108930</del>	<del>November 6, 1998</del>
Anisindione	developmental	117373	October 1, 1992	<del>Delisted January 25, 2002</del>			
Arsenic (inorganic oxides)	developmental	—	May 1, 1997	Cycloheximide	developmental	66819	January 1, 1989
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Auranofin	developmental	34031328	January 29, 1999	Cyhexatin	developmental	13121705	January 1, 1989
Azathioprine	developmental	446866	September 1, 1996	Cytarabine	developmental	147944	January 1, 1989
Barbiturates	developmental	—	October 1, 1992	Dacarbazine	developmental	4342034	January 29, 1999
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	Danazol	developmental	17230885	April 1, 1990
Benomyl	developmental, male	17804352	July 1, 1991	Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
Benzene	developmental, male	71432	December 26, 1997	2,4-D butyric acid	<del>developmental, male</del>	94826	June 18, 1999
Benzodiazepines	developmental	—	October 1, 1992	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	<del>2,4-DP (dichloroprop)</del>	<del>developmental</del>	<del>120365</del>	<del>April 27, 1999</del>
Bromacil lithium salt	developmental, male	53404196	May 18, 1999	<del>Delisted January 25, 2002</del>			
1-Bromopropane	developmental, female, male	106945	December 7, 2004	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bromoxynil	developmental	1689845	October 1, 1990	Diazepam	developmental	439145	January 1, 1992
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diazoxide	developmental	364987	February 27, 2001
Butabarbital sodium	developmental	143817	October 1, 1992	1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
1,3-Butadiene	developmental, female, male	106990	April 16, 2004	Dichlorophene	developmental	97234	April 27, 1999
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Dichlorophenamide	developmental	120978	February 27, 2001
Cadmium	developmental, male	—	May 1, 1997	Diclofop methyl	developmental	51338273	March 5, 1999
Carbamazepine	developmental	298464	January 29, 1999	Dicumarol	developmental	66762	October 1, 1992
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003
Carbon monoxide	developmental	630080	July 1, 1989	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Carboplatin	developmental	41575944	July 1, 1990	Diffunisal	developmental, female	22494424	January 29, 1999
Chenodioid	developmental	474259	April 1, 1990	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chlorambucil	developmental	305033	January 1, 1989	m-Dinitrobenzene	male	99650	July 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	o-Dinitrobenzene	male	528290	July 1, 1990
Chlordecone (Kepone)	developmental	143500	January 1, 1989	p-Dinitrobenzene	male	100254	July 1, 1990
Chlordiazepoxide	developmental	58253	January 1, 1992	2,4-Dinitrotoluene	male	121142	August 20, 1999
				2,6-Dinitrotoluene	male	606202	August 20, 1999
				Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
				Dinocap	developmental	39300453	April 1, 1990
				Dinoseb	developmental, male	88857	January 1, 1989
				Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
				Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
				Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
				Doxycycline (internal use)	developmental	564250	July 1, 1990



# CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 53-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992	Lorazepam	developmental	846491	July 1, 1990
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lovastatin	developmental	75330755	October 1, 1992
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Mebendazole	developmental	31431397	August 20, 1999
Endrin	developmental	72208	May 15, 1998	Medroxyprogesterone acetate	developmental	71589	April 1, 1990
Epichlorohydrin	male	106898	September 1, 1996	Megestrol acetate	developmental	595335	January 1, 1991
Ergotamine tartrate	developmental	379793	April 1, 1990	Melphalan	developmental	148823	July 1, 1990
Estropipate	developmental	7280377	August 26, 1997	Menotropins	developmental	9002680	April 1, 1990
Ethionamide	developmental	536334	August 26, 1997	Meproamate	developmental	57534	January 1, 1992
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Mercaptopurine	developmental	6112761	July 1, 1990
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene dibromide	developmental, male	106934	May 15, 1998	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Metham sodium	developmental	137428	May 15, 1998
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Methazole	developmental	20354261	December 1, 1999
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Methimazole	developmental	60560	July 1, 1990
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methotrexate	developmental	59052	January 1, 1989
Ethylene oxide	female	75218	February 27, 1987	Methotrexate sodium	developmental	15475566	April 1, 1990
Ethylene thiourea	developmental	96457	January 1, 1993	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
Etodolac	developmental, female	41340254	August 20, 1999	Methyl chloride	developmental	74873	March 10, 2000
Etoposide	developmental	33419420	July 1, 1990	Methyl mercury	developmental	—	July 1, 1987
Etretinate	developmental	54350480	July 1, 1987	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Methyltestosterone	developmental	58184	April 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Metiram	developmental	9006422	March 30, 1999
Fluazifop butyl	developmental	69806504	November 6, 1998	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Fluorouracil	developmental	51218	January 1, 1989	Misoprostol	developmental	59122462	April 1, 1990
Fluoxymesterone	developmental	76437	April 1, 1990	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Myclobutanil	developmental, male	88671890	April 16, 1999
Flurbiprofen	developmental, female	5104494	August 20, 1999	Nabam	developmental	142596	March 30, 1999
Flutamide	developmental	13311847	July 1, 1990	Nafarelin acetate	developmental	86220420	April 1, 1990
Fluticasone propionate	developmental	80474142	May 15, 1998	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Fluvalinate	developmental	69409945	November 6, 1998	Netilmicin sulfate	developmental	56391572	July 1, 1990
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nickel carbonyl	developmental	13463393	September 1, 1996
Gemfibrozil	female, male	25812300	August 20, 1999	Nicotine	developmental	54115	January 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nifedipine	developmental, female, male	21829254	January 29, 1999
Halazepam	developmental	23092173	July 1, 1990	Nimodipine	developmental	66085594	April 24, 2001
Halobetasol propionate	developmental	66852548	August 20, 1999	Nitrapyrin	developmental	1929824	March 30, 1999
Haloperidol	developmental, female	52868	January 29, 1999	Nitrofurantoin	male	67209	April 1, 1991
Halothane	developmental	151677	September 1, 1996	Nitrogen mustard (Meclorethamine)	developmental	51752	January 1, 1989
Heptachlor	developmental	76448	August 20, 1999	Nitrogen mustard hydrochloride (Meclorethamine hydrochloride)	developmental	55867	July 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Histrelin acetate	developmental	—	May 15, 1998	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Hydroxyurea	developmental	127071	May 1, 1997	Norgestrel	developmental	6533002	April 1, 1990
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxadiazon	developmental	19666309	May 15, 1998
Ifosfamide	developmental	3778732	July 1, 1990	Oxazepam	developmental	604751	October 1, 1992
Iodine-131	developmental	10043660	January 1, 1989	Oxydemeton methyl	female, male	301122	November 6, 1998
Isotretinoin	developmental	4759482	July 1, 1987	Oxymetholone	developmental	434071	May 1, 1997
Lead	developmental, female, male	—	February 27, 1987	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Levodopa	developmental	59927	January 29, 1999	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Levonorgestrel implants	female	797637	May 15, 1998	Paramethadione	developmental	115673	July 1, 1990
Linuron	developmental	330552	March 19, 1999	Penicillamine	developmental	52675	January 1, 1991
Lithium carbonate	developmental	554132	January 1, 1991	Pentobarbital sodium	developmental	57330	July 1, 1990
Lithium citrate	developmental	919164	January 1, 1991				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Pentostatin	developmental	53910251	September 1, 1996
Phenacemide	developmental	63989	July 1, 1990
Phenprocoumon	developmental	435972	October 1, 1992
Pimozide	developmental, female	2062784	August 20, 1999
Pipobroman	developmental	54911	July 1, 1990
Plicamycin	developmental	18378897	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Pravastatin sodium	developmental	81131706	March 3, 2000
Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Procarbazine hydrochloride	developmental	366701	July 1, 1990
Propargite	developmental	2312358	June 15, 1999
Propylthiouracil	developmental	51525	July 1, 1990
Pyrimethamine	developmental	58140	January 29, 1999
Quazepam	developmental	36735225	August 26, 1997
Quizalofop-ethyl	male	76578148	December 24, 1999
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
Rifampin	male	36791045	February 27, 2001
	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: December 31, 2004

# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

## SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

### NOTICE TO INTERESTED PARTIES

### CORRECTION TO THE LIST OF CHEMICALS AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER OR REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assessment (OEHHA) is making a correction to the list of chemicals as known to the State of California to cause cancer or reproductive toxicity which was published on **December 3, 2004** in the California Regulatory Notice Register (Register 04, No. 49-Z). The chemical, *riddelliine*, was listed on December 3, 2004 as a chemical known to the State to cause cancer without a Chemical Abstract Service (CAS) number. It was recently brought to OEHHA's attention that the CAS number for *riddelliine* is 23246-96-0. Accordingly, OEHHA revises the December 3, 2004 listing of the chemical, *riddelliine*, with the assigned CAS number of 23246-96-0.

Following is the correct listing for the chemical:

#### Cancer

<i>Chemical</i>	<i>Previously Listed CAS No.</i>	<i>Correct CAS No.</i>	<i>Date of Listing</i>
Riddelliine	—	23246-96-0	December 3, 2004

A complete, corrected chemical list is published elsewhere in this issue of the *California Regulatory Notice Register*.

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE OF INTENT TO LIST A CHEMICAL**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65), codified at Health and Safety Code section 25249.5 et seq., provides two primary mechanisms for administratively listing chemicals that are known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8(b)). A chemical may be listed under Proposition 65 when a body considered to be authoritative by the state's qualified experts has formally identified the chemical as causing cancer or reproductive toxicity. The following entities are identified as authoritative bodies for purposes of Proposition 65, as it pertains to chemicals known to cause cancer: the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health, and the National Toxicology Program. The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations, section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA), within the California Environmental Protection Agency intends to list the chemical, *2,4-hexadienal*, as known to the State to cause cancer, pursuant to this administrative mechanism as provided in Health and Safety Code section 25249.8(b) and Title 22, Cal. Code of Regs., section 12306.

Relevant information related to the possible listing of *2,4-hexadienal* was requested in a notice published in the *California Regulatory Notice Register* on, July 2, 2004 (Register 04, No. 27-Z). The opportunity to request a public forum was provided, but no such request was received and no forum was held. One comment was received on *2,4-hexadienal*. OEHHA has reviewed the comment and determined that the chemical, *2,4-hexadienal*, meets the criteria for listing under Title 22, Cal. Code of Regs., section 12306, and therefore OEHHA is issuing this notice of intent to list it under Proposition 65. A document providing more detail on the basis for the listing of the chemical can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/>. Anyone wishing to provide

comments as to whether the listing of this chemical meets the criteria for listing provided in Title 22, Cal. Code of Regs., section 12306 should send written comments in triplicate, along with any supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment

Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

**Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Friday, January 30, 2005.**

The following chemical has been determined by OEHHA to meet the criteria set forth in Title 22, Cal. Code of Regs., section 12306 for listing as causing cancer under the authoritative bodies mechanism:

Chemical	CAS No.	Reference
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	NTP (2003)

**REFERENCE**

National Toxicology Program (NTP, 2003). *Toxicology and Carcinogenesis Studies of 2,4-Hexadienal (89% trans, trans isomer, CAS No. 142-83-6; 11% cis, trans isomer) in F344/N Rats and B6C3F<sub>1</sub> Mice (Gavage Studies)*. NTP Technical Report Series No. 509. NIH Publication No. 04-4443. U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, NTP, Research Triangle Park, NC.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of

State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### AIR RESOURCES BOARD

Emergency Regulation Delaying Implementation  
Date for Diesel Lubricity

This emergency action would delay the implementation of the new, more stringent lubricity standard for diesel fuel for 120 days in order to minimize the potential for disruptions to the continued supply of diesel fuel that would likely result from recent decisions by pipeline operators to limit the amount of lubricity additive permitted in diesel fuel shipped through multi-product pipelines.

Title 13

California Code of Regulations

AMEND: 2284

Filed 12/16/04

Effective 01/01/05

Agency Contact: Tom Jennings (916) 322-2884

#### BOARD OF OCCUPATIONAL THERAPY

Limited Permits

This action adopts the qualifications required and application procedure for an occupational therapist limited permit.

Title 16

California Code of Regulations

ADOPT: 4123

Filed 12/20/04

Effective 01/19/05

Agency Contact: Janet Yagi (916) 322-3278

#### BOARD OF OPTOMETRY

Continuing Education

This regulatory action amends the continuing education license renewal requirements to reflect the change in the license renewal cycle from annual to biennial, amends the self-study continuing education requirements and the initial licensure exemptions.

Title 16

California Code of Regulations

AMEND: 1536

Filed 12/22/04

Effective 01/21/05

Agency Contact: Rex Farmer (916) 322-0961

#### BOARD OF OPTOMETRY

Therapeutic Pharmaceutical Agents

This regulatory action amends the provisions dealing with certifications of optometrists who administer Therapeutic Pharmaceutical Agents.

Title 16

California Code of Regulations

AMEND: 1567, 1568, 1569

Filed 12/20/04

Effective 01/19/05

Agency Contact: Rex Farmer (916) 322-0961

#### BOARD OF PSYCHOLOGY

Supervised Professional Experience

This action updates the standards for supervised professional experience, two years of which are required of an applicant for licensure as a psychologist.

Title 16

California Code of Regulations

ADOPT: 1387.6, 1387.7, 1389.1, 1390.1, 1390.2, 1390.3, 1390 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1391.3, 1391.4, 1391.5, 1391.8, 1391.10, 1391.11 REPEAL: 1390

Filed 12/16/04

Effective 01/01/05

Agency Contact:

Kathy Bradbury (916) 263-0712

#### BOARD OF PSYCHOLOGY

Distance Learning

This action increases the proportion of continuing education currently required of psychologists that may be obtained through distance learning, so that up to one-half of the amount necessary for license renewal may be covered by this method.

Title 16

California Code of Regulations

AMEND: 1397.60

Filed 12/17/04

Effective 01/01/05

Agency Contact:

Kathy Bradbury (916) 263-0712

#### CALIFORNIA GAMBLING CONTROL COMMISSION

Proposition Players and Gambling Businesses

In this regulatory action, the California Gambling Control Commission adopts and revises regulations pertaining to Proposition Players and Gambling Businesses, including providing for registration, licensing, and various other operational requirements for these businesses.

Title 4

California Code of Regulations

ADOPT: 12200, 12200.1, 12200.3, 12200.5, 12200.6, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.15, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.

Filed 12/20/04

Effective 12/20/04

Agency Contact: Herb Bolz (916) 263-0700



**CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD**

**Waste Tire Hauler Registration and Manifesting  
Regulations Regarding Retreaders**

This rulemaking action allows retreaders to self-certify with the CIWMB and allows self-certified retreaders to substitute customer invoices for the manifest forms currently required by the California Uniform Waste and Used Tire Manifest system.

Title 14

California Code of Regulations

ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449,  
18450, 18451, 18456, 18459, 18459.1, 18459.2.1,  
18459.3, 18461, 18462

Filed 12/22/04

Effective 12/22/04

Agency Contact:

Wendy Breckon (916) 341-6068

**CALIFORNIA TAX CREDIT ALLOCATION  
COMMITTEE**

**Low Income Housing Tax Credit**

This is the emergency readoption of regulations that establish procedures for the reservation and compliance monitoring of the federal and state low-income housing tax credit, and policies and procedures for use of the credit to promote the availability of low-income housing.

Title 4

California Code of Regulations

ADOPT: 10300, 10301, 10302, 10303, 10304,  
10305, 10306, 10307, 10308, 10309, 10310, 10311,  
10312, 10313, 10314, 10315, 10316, 10317, 10318,  
10319, 10320, 10321, 10322, 10323, 10324, 10325,  
10326, 10327, 10328, 10329, 10330, 10331, 10332,  
10333, 10334, 1

Filed 12/16/04

Effective 12/16/04

Agency Contact: Ed Johnson (916) 654-5882

**DEPARTMENT OF ALCOHOLIC BEVERAGE  
CONTROL**

**Penalty Guidelines**

This filing is the resubmittal of a certificate of compliance for an emergency regulatory action which incorporates penalty guidelines for use in disciplinary actions under the Alcoholic Beverage Control Act and Administrative Procedure Act.

Title 4

California Code of Regulations

ADOPT: 144

Filed 12/16/04

Effective 12/16/04

Agency Contact: Nick Loehr (916) 419-2526

**DEPARTMENT OF DEVELOPMENTAL  
SERVICES**

**Vouchered Respite**

This emergency regulatory action permits a service provider to receive a voucher for the costs of respite care. (Previous OAL file # 04-0817-01E)

Title 17

California Code of Regulations

AMEND: 50604, 50604, 54302, 54310, 54320,  
54320, 54326, 54332, 54355, 58533

Filed 12/22/04

Effective 12/22/04

Agency Contact: Lisa Primeaux (916) 654-2199

**DEPARTMENT OF INSURANCE**

**Increases the Statute of Limitations From One Year  
to Two**

The California Department of Insurance is amending its form entitled "California Uninsured Motorists Coverage—Bodily Injury". The form is enumerated as CA 21 54 02 04. In Paragraph E.2. of the "California Uninsured Motorists Coverage—Bodily Injury" form the allowable time frame to satisfy certain delineated conditions required by Insurance Code section 11580.2(i)(1) was changed from one year to two years. These conditions must be met before a cause of action accrues. This change was made by Stats. 2003, Ch. 56. In explaining the change the Legislative Digest for the aforementioned chaptered bill states: "Existing law provides that no cause of action shall accrue to an insured under the coverage unless, within one year from the date of the accident, (1) suit for bodily injury has been filed against the uninsured motorists, (2) agreement as to the amount due under the policy has been concluded, or (3) the insured has formally instituted arbitration proceedings . . . This bill would increase the time within which one of these actions must have occurred to 2 years from the date of the accident."

Title 10

California Code of Regulations

AMEND: 2498.4.9, 2498.5

Filed 12/21/04

Effective 01/20/05

Agency Contact:

Michael Riordan (415) 538-4226

**DEPARTMENT OF INSURANCE**

**Communications Equipment Insurance Agent  
License**

The regulatory action is the Certificate of Compliance for emergency regulations for the licensing of communications equipment agents. (Prior OAL Files 03-0701-02E, 03-1106-01EE, 04-0226-04EE, 04-0630-01EE; Department of Insurance File RH 02026113.)

Title 10  
California Code of Regulations  
ADOPT: 2194., 2194.1, 2194.2, 2194.3, 2194.4,  
2194.5, 2194.6, 2194.7, 2194.8  
Filed 12/17/04  
Effective 12/17/04  
Agency Contact: Julie D. Soo (415) 538-4429

DEPARTMENT OF INSURANCE  
CAARP's Proposed Amendments to Rule 53

This action adds a rate entry for single limits to the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates (incorporated by reference in the CCR), Rule 53. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 11340.9(g).

Title 10  
California Code of Regulations  
AMEND: 2498.5  
Filed 12/22/04  
Effective 01/21/05  
Agency Contact:  
Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE  
CAARP Uninsured Motorist Bodily Coverage

This nonsubstantive action revises the definition of an "uninsured motor vehicle" in the California Automobile Assigned Risk Plan of Operations manual (incorporated by reference in the CCR) to include a vehicle that is operated without the insured's consent in a criminal activity. This and other revisions are being made to conform to requirements in Insurance Code section 11580.2 (Stats. 2001, Ch. 95).

Title 10  
California Code of Regulations  
AMEND: 2498.4.9, 2498.5  
Filed 12/22/04  
Effective 01/21/05  
Agency Contact:  
Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE  
CAARP's Proposed Amendment to Rule 123

The California Department of Insurance is amending Rule 123 found in the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates, which is incorporated by reference in section 2498.5, title 10, California Code of Regulations.

Title 10  
California Code of Regulations  
AMEND: 2498.4.9, 2498.5  
Filed 12/21/04  
Effective 01/20/05  
Agency Contact:  
Michael Riordan (415) 538-4226

DEPARTMENT OF INSURANCE  
Increases Property Damage Threshold from \$500-\$750

The Department of Insurance is amending the California Automobile Assigned Risk Plan Rules 24F.1 and 55F.1 regarding the minimum property damage incurred in an automobile accident which is required to be reported to the Department of Motor Vehicles. This was changed from \$500 to \$750 in Stats. 2002, Ch. 766, effective January 1, 2003. These two sections are in the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates approved by the Commissioner, which is incorporated by reference in section 2498.5, title 10, California Code of Regulations.

Title 10  
California Code of Regulations  
AMEND: 2498.4.9, 2498.5  
Filed 12/21/04  
Effective 01/20/05  
Agency Contact:  
Michael Riordan (415) 538-4226

DEPARTMENT OF MOTOR VEHICLES  
Commercial Vehicle Registration (CVRA) Decals

This regulatory action specifies placement of weight decals issued by the Department of Motor Vehicles for vehicles weighing 10,001 pounds or more.

Title 13  
California Code of Regulations  
ADOPT: 154.00  
Filed 12/15/04  
Effective 01/14/05  
Agency Contact:  
Christie Patrick (916) 657-5567

DEPARTMENT OF MOTOR VEHICLES  
Refusal of Registration

This action adopts a regulation to clarify the statutory prohibition on the importation of vehicles that are not certified to meet California emission standards by residents and persons doing business in California.

Title 13  
California Code of Regulations  
ADOPT: 151.00  
Filed 12/22/04  
Effective 01/21/05  
Agency Contact:  
Christie Patrick (916) 657-5567

DEPARTMENT OF PESTICIDE REGULATION  
Permit Reform Act—Permit Processing Times

The Department of Pesticide Regulation proposes the repeal of sections 305 and 306 as "changes without regulatory effect." Section 305 establishes the time frames for dealing with permits and other forms

of authorization submitted to the Department for its approval. Section 306 establishes an appeal process if the time frames are not complied with, including the possibility of obtaining a refund of the filing fees. Sections 305 and 306 were adopted pursuant to the Permit Reform Act of 1983 (Gov. Code, sec. 15374 et seq.) that was repealed effective 1/1/04 (Stats. 2003, c. 229, sec. 1.8).

Title 3

California Code of Regulations

REPEAL: 305, 306

Filed 12/20/04

Effective 12/20/04

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

DIVISION OF WORKERS COMPENSATION

Spinal Surgery Second Opinions

Section 4062 of the Labor Code, as amended by Senate Bill 228, requires that, effective January 1, 2004, where an employer disagrees with the recommendation of a treating physician for spinal surgery, the employer is to obtain a second opinion from a qualified physician selected at random by the Administrative Director. This filing is a certificate of compliance for an emergency regulatory action which governs the selection of spinal surgery second opinion physicians, their reports, and their compensation.

Title 8

California Code of Regulations

ADOPT: 9788.01, 9788.1, 97883.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91

Filed 12/15/04

Effective 12/15/04

Agency Contact:

Richard Starkeson (415) 703-4993

DIVISION OF WORKERS COMPENSATION

Official Medical Fee Schedule

Labor Code § 5307.1 requires that for the Calendar Years 2004 and 2005 the maximum reimbursable fees set forth in the existing Official Medical Fee Schedule for physician services must be reduced by five (5) percent. While the Administrative Director has discretion to reduce the fees for individual medical procedures by amounts different than five percent, in no event can the fee for a procedure be reduced to an amount that is less than that paid by the current Medicare payment system for the same procedure. Existing section 9789.11 of title 8 of the California Code of Regulations implements Labor Code section 5307.1 and in Table A sets forth the maximum fees for physician services rendered after July 1, 2004. This emergency regulatory action adds a new Table A to section 9789.11 which includes revisions and correc-

tions to the prior physician fee schedule for services rendered after the effective date of the regulation.

Title 8

California Code of Regulations

AMEND: 9789.11

Filed 12/15/04

Effective 01/14/05

Agency Contact:

Richard Starkeson (415) 703-4993

FISH AND GAME COMMISSION

Smith River Fishing

This rulemaking action extends the open season for trout and salmon fishing in the Smith River estuary one additional month from March 31 to April 30, and allows the use of barbed hooks from September 1 through April 30. The action also eliminates the barbless hook restriction during the period from September 1 through March 31 in the other three anadromous reaches of the Smith River, and closes to fishing all year the South Fork of the Smith River from the George Tryon Bridge upstream to the mouth of Craigs Creek.

Title 14

California Code of Regulations

AMEND: 7.50(b)(180)

Filed 12/21/04

Effective 01/20/05

Agency Contact: Tracy L. Reed (916) 653-4899

OFFICE OF SPILL PREVENTION AND RESPONSE

Port Hueneme Tug Escorts

This action makes clarifying changes to existing tank vessel escort regulations for Port Hueneme harbor.

Title 14

California Code of Regulations

AMEND: 851.50, 851.51, 851.51.1, 851.54

Filed 12/21/04

Effective 01/20/05

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998—  
(AB 1506 (LCP))

This emergency regulatory action increases the per pupil grant amounts as described in section 17072.10 and 17074.10 of the Education Code to accommodate the state's share of the increased costs of new construction of modernization projects due to the initiation and enforcement of labor compliance programs.

Title 2

California Code of Regulations

ADOPT: 1859.71, 1859.78.1 AMEND: 1859.2,

1859.73.2, 1859.79.2, 1859.82, 1859.83  
 Filed 12/20/04  
 Effective 12/20/04  
 Agency Contact: Lisa Jones (916) 322-1043

**STATE ALLOCATION BOARD**

Leroy F. Greene School Facilities Act of 1998—  
 District Funded Facilities

This filing is a certificate of compliance for an emergency regulatory action which allows school districts to file new construction funding applications for projects that have already been constructed by the district with local funding and apply the State funding toward other high priority capital outlay school construction projects.

Title 2  
 California Code of Regulations  
 ADOPT: 1859.51.1, 1859.70.2 AMEND: 1859.2,  
 1859.51, 1859.70, 1859.103,  
 Filed 12/16/04  
 Effective 12/16/04  
 Agency Contact: Lisa Jones (916) 322-1043

**CCR CHANGES FILED WITH THE  
 SECRETARY OF STATE  
 WITHIN AUGUST 04, 2004  
 TO DECEMBER 22, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

10/13/04 ADOPT: 1015, 1019, 1048, 1050  
 AMEND: 1000, 1002, 1004, 1006, 1008,  
 1012, 1014, 1016, 1018, 1020, 1022,  
 1024, 1026, 1027, 1028, 1030, 1032,  
 1034, 1038, 1040, 1042, 1044, 1046  
 08/12/04 ADOPT: 1396 AMEND: 1314, 1321,  
 1323, 1324, 1334, 1354, 1390, 1392,  
 REPEAL: 1332

**Title 2**

12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND:  
 1859.2, 1859.73.2, 1859.79.2, 1859.82,  
 1859.83  
 12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND:  
 1859.2, 1859.51, 1859.70, 1859.103,  
 12/06/04 AMEND: 1859.2, 1859.51  
 11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000

11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4,  
 1866.4.1, 1866.4.2, 1866.4.3, 1866.5,  
 1866.5.1, 1866.7, 1866.13  
 11/22/04 AMEND: 58700  
 11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5,  
 561.6, 561.7, 561.8, 561.9, 561.10,  
 561.11, 561.12, 561.13, 561.14  
 11/10/04 ADOPT: 1859.163.1, 1859.163.2,  
 1859.163.3, 1859.164.2, 1859.167.1  
 AMEND: 1859.2, 1859.145, 1859.145.1,  
 189.160, 1859.161, 1859.162, 1859.163,  
 1859.164, 1859.164.1, 1859.165,  
 1859.166, 1859.167, 1859.168, 1859.171  
 11/09/04 AMEND: 18530.8  
 11/04/04 AMEND: 1859.71.2, 1859.78.4  
 11/02/04 AMEND: 1859.51, 1859.105  
 11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2,  
 1859.73.1, 1859.81, 1859.83, 1859.90,  
 1859.120, 1859.121, 1859.122,  
 1859.122.1, 1859.122.2, 1859.123,  
 1859.124, 1859.124.1, 1859.125,  
 1859.125.1, 1859.126, 1859.127,  
 1859.129, 1859.130  
 10/26/04 ADOPT: 18361.1, 18361.2, 18361.3,  
 18361.4, 18361.5, 18361.6, 18361.7,  
 18361.8, AMEND: 18361.5, 18406,  
 18450.4, 18702.2, 18702.5, 18740,  
 18747, 18754, 18951 REPEAL: 18361  
 09/29/04 ADOPT: 20107  
 09/23/04 AMEND: 18401, 18421.1  
 09/23/04 ADOPT: 588, 588.1, 588.2, 588.3, 588.4,  
 588.5, 588.6, 588.7, 588.8, 588.9,  
 5881.10  
 09/15/04 ADOPT: 599.511 AMEND: 599.500(t)  
 09/10/04 AMEND: 54300  
 09/09/04 AMEND: 18704.2  
 08/31/04 ADOPT: 599.517  
 08/20/04 ADOPT: 586, 586.1, 586.2  
 08/10/04 ADOPT: 1896, 1896.2, 1896.4, 1896.6,  
 1896.10, 1896.12, 1896.14, 1896.16,  
 1896.18, 1896.20, 1896.22 REPEAL:  
 1896, 1896.2, 1896.4, 1896.6, 1896.8,  
 1896.10, 1896.12, 1896.14, 1896.16,  
 1896.18, 1896.20  
 08/09/04 AMEND: 599.508  
 08/09/04 ADOPT: 1859.77.3 AMEND: 1859.2,  
 1859.77.2  
 08/04/04 AMEND: 599.515(e)

**Title 3**

12/20/04 REPEAL: 305, 306  
 11/29/04 AMEND: 3423(b)  
 11/17/04 AMEND: 1703.3  
 11/16/04 AMEND: Subchapter 1.1  
 11/10/04 AMEND: 3601(g)



11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000, REPEAL: 6450, 6450.1, 6450.2, 6250.3, 6784  
 10/25/04 AMEND: 3700(c)  
 10/14/04 AMEND: 3423(b)  
 10/13/04 AMEND: 3700(b)  
 10/06/04 ADOPT: 2042, 2100, 2101, 2102  
 10/06/04 AMEND: 3877(a), 3883, 3885(a)(b), 4603(f) REPEAL: 3902  
 10/04/04 AMEND: 1280.2  
 09/22/04 AMEND: 3430(b)  
 09/20/04 AMEND: 3700  
 09/09/04 AMEND: 6502  
 09/08/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784  
 09/08/04 AMEND: 3423(b)  
 09/02/04 AMEND: 3700(b)(c)  
 08/19/04 AMEND: 3700(c)  
 08/10/04 ADOPT: 1472.8 AMEND: 1472.5  
 08/05/04 AMEND: 3962(a)

**Title 4**

12/20/04 ADOPT: 12200, 12200.1, 12200.3, 12200.5, 12200.6, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.15, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.  
 12/16/04 ADOPT: 144  
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